

EXHIBIT A

From: Kathleen Mullins
Sent: Thursday, December 19, 2024 7:42 PM
To: Eyal Dror; Patrick Kennell; Myah Drouin
Cc: lee@sfclasslaw.com; Fletcher Moore; Jonathan Corbett; Jacob Chen; Rita; Mark Garner; shelly.friedland@parkerpohl.com
Subject: RE: 2023 EZoo Class Action: meet-and-confer call

Eyal,

Our client is still internally reviewing the settlement demand and working on a response. We have been following up with them and their most recent update was that they will have a response after the holidays. We understand your frustration, but they are taking it seriously and want to provide a meaningful response. We have also shared with them all your comments and your request for an expedited response.

We are still working with CDS on the ESI process. We anticipate that we will provide our next production by mid-January. We have been informed that the data collected is much more voluminous than initially anticipated, so we will need additional time to review the documents before disclosing.

We consent to extending the fact discovery deadline to June 5th.

Regarding the proposed motion for appointment as interim class counsel, we consent.

Given the above update, we hope that a meet-and-confer isn't necessary at this point.

Kathleen Mullins
Of Counsel

KAUFMAN | DOLOWICH

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From: Eyal Dror <edror@triefandolk.com>

Sent: Thursday, December 19, 2024 5:21 PM

To: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Patrick Kennell <pkennell@kaufmandolowich.com>; Myah Drouin <Myah.Drouin@kaufmandolowich.com>

Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan Corbett <jon@corbettrights.com>; Jacob Chen <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner <mark@dgwllp.com>; shelly.friedland@parkerpohl.com

Subject: 2023 EZoo Class Action: meet-and-confer call

[EXTERNAL SENDER]

Kathleen, Patrick:

We have been patient with you and your clients in this action but can no longer tolerate the excessive delays that have greeted us with respect to our discovery demands, settlement discussions, and even basic scheduling requests. At this juncture, we see no alternative but to escalate your clients' discovery delays with the Court. To that end, consistent with Local Rule 37.2 and Rule II.A of Magistrate Willis's Individual Rules, please advise when you are available on Monday or Tuesday next week for a meet-and-confer call.

Regards,
Eyal

Eyal Dror

Trief & Olk

[800 Third Ave., 29th Floor,](#)
[New York, New York 10022](#)

T: [\(212\) 308-2769](#)

edror@triefandolk.com

From: shelly.friedland@parkerpohl.com <shelly.friedland@parkerpohl.com>

Sent: Monday, December 9, 2024 3:54 PM

To: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Patrick Kennell <pkennell@kaufmandolowich.com>; Myah Drouin <Myah.Drouin@kaufmandolowich.com>

Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan Corbett <jon@corbettrights.com>; Jacob Chen <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner <mark@dgwllp.com>; Eyal Dror <edror@triefandolk.com>

Subject: Re: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

Kathleen and Patrick,

I'm writing to respond to your email below.

1. We are certainly disappointed to not have received a response to our settlement demand; however, pursuant to your recent email, you had hoped to have an answer for us last week. Give that the end of the week has come and gone, we would like an updated estimate of when we can expect a response.
2. Please update us on when you expect to begin ESI production, so that our vendor can be ready to upload the production without delay.
3. We hope to have a batch of plaintiffs' documents by the end of this week.
4. Given where the parties are on discovery, and the delays engendered from our expectation that we would have a settlement conference in November, we propose a 5-month extension of discovery, and all related deadlines. That would put us at June 5 for the close of fact discovery. Please let us know your thoughts on this proposal.

5. We'd previously asked if your client would consent to our proposed motion for appointment as interim class counsel. Since it does not really affect your client, I believe Patrick indicated he didn't expect opposition but please let us know where that stands.

Thanks,
Shelly

From: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>

Date: Friday, November 29, 2024 at 12:03 PM

To: Eyal Dror <edror@triefandolk.com>, shelly.friedland@parkerpohl.com <shelly.friedland@parkerpohl.com>, Patrick Kennell <pkennell@kaufmandolowich.com>, Myah Drouin <Myah.Drouin@kaufmandolowich.com>

Cc: lee@sfclasslaw.com <lee@sfclasslaw.com>, Fletcher Moore <fletcher@fmoorelaw.com>, Jonathan Corbett <jon@corbettrights.com>, Jacob Chen <jchen@dgwllp.com>, Rita <rita@dgwllp.com>, Mark Garner <mark@dgwllp.com>

Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

Eyal,

Our client is still internally reviewing the settlement demand and working on a response. We last spoke with them this week, and they advised that they anticipate that they'll have a response by next week. Given what our clients view as an unexpectedly high demand, a thorough internal review on their end has been necessary in order to provide a meaningful response. While we'd hoped to have a response for you sooner, we assure you that we and they are taking it seriously and are interested in reaching a resolution.

Regarding the discovery issues, we are working closely with our ESI vendor on the process and anticipate that our next phase of document production should occur in early December. We will respond separately regarding the prior productions and redactions, as we're checking to see if any of those redactions can be removed given the confidentiality order in this case. We will also re-run those documents through the ESI system so that they can be re-produced to you with metadata (as we're not confident about executing ourselves the bookmarking process you've suggested).

Separately, to date we've received exactly 15 pages of document production from Plaintiffs, consisting of apparently screenshots of information from only a few individuals. When may we expect further productions from each of the plaintiff classes?

Regards,
Kathleen

Kathleen Mullins
Of Counsel

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From: Eyal Dror <edror@triefandolk.com>

Sent: Monday, November 25, 2024 5:37 PM

To: shelly.friedland@parkerpohl.com; Patrick Kennell <pkennell@kaufmandolowich.com>; Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Myah Drouin <Myah.Drouin@kaufmandolowich.com>

Cc: lee@sfcclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan Corbett <jon@corbettrights.com>; Jacob Chen <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner <mark@dgwllp.com>

Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

[EXTERNAL SENDER]

Patrick,

Please address the other two points that Shelly previously asked about. Namely:

1. Your clients' settlement demand. As you'll recall, we originally made a settlement demand (on 10/21/24) subject to your agreement to provide a response within two weeks. You failed to respond by 11/4 as agreed and instead indicated that you would respond by November 18. It has now been a week since that extended deadline, and we still have not heard back from you. This is extremely disappointing and perplexing. If your clients are in fact interested in engaging in settlement discussions, as you have indicated, they should engage in settlement discussions.
2. Your clients' document productions. Please promptly advise as to the next phases of your clients' document productions. Additionally, please remedy the previously noted deficiencies in your clients' 10/31 production, which should be amended to remove the redactions and provide bookmarks and any other existing metadata concerning the records produced.

Please advise when you expect to respond to the above issues. We see no reason why you cannot respond before the end of the week. If yet another week passes without any comment on these issues from you, we will seek to escalate these matters with the Court.

Regards,
Eyal

From: shelly.friedland@parkerpohl.com <shelly.friedland@parkerpohl.com>

Sent: Wednesday, November 20, 2024 12:05 PM

To: Patrick Kennell <pkennell@kaufmandolowich.com>; Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>; Myah Drouin <Myah.Drouin@kaufmandolowich.com>

Cc: lee@sfcclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan Corbett <jon@corbettrights.com>; Jacob Chen <jchen@dgwllp.com>; Rita <rita@dgwllp.com>; Mark Garner <mark@dgwllp.com>; Eyal Dror <edror@triefandolk.com>

Subject: Re: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

Patrick,

We'd agreed to wait until November 18 to receive your client's response to our settlement demand; it's now November 20. Please provide a response – or explain why you can't do so.

Additionally, do you have dates to propose for the settlement conference? I'm combining our teams' availability into one list but if you can send me your dates (either black-out date or proposed dates) in the meantime, that would be great.

Please let us know what's happening with the next phase of your document production, which we need to receive soon in order to keep the case moving forward. With the possibility that the settlement conference may not be until February or March, we need to proceed with discovery at full tilt in the meantime.

Thank you,

Shelly

From: Patrick Kennell <pkennell@kaufmandolowich.com>

Date: Saturday, November 2, 2024 at 7:02 PM

To: shelly.friedland@parkerpohl.com <shelly.friedland@parkerpohl.com>, Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>, Myah Drouin <Myah.Drouin@kaufmandolowich.com>

Cc: lee@sfclasslaw.com <lee@sfclasslaw.com>, Fletcher Moore <fletcher@fmoorelaw.com>, Jonathan Corbett <jon@corbettrights.com>, Jacob Chen <jchen@dgwillp.com>, Rita <rita@dgwillp.com>, Mark Garner <mark@dgwillp.com>, Eyal Dror <edror@triefandolk.com>

Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

Shelly –

Here are follow-ups to your question / points:

1. Hopefully everyone received on Thursday 10/31 our third production and corresponding privilege log. Let us know if you did not or if you had any trouble with the link.
2. We will start draft a joint letter to Judge Willis with the conference dates
3. I will get back to you on the interim class counsel idea. I don't think we'll have any opinion or opposition, but I just need to clear it with our client.
4. We are fine with moving the briefing dates and like the idea you propose. We'll take a stab at that in the draft joint letter.

As for the settlement demand, thank you for providing that to us and we appreciate your efforts in advancing the discussion. We reviewed it with our clients as soon as we got it and we're awaiting comments. One complication in responding by Monday 11/4 (which by our calculation would be the two-week response date we agreed) is that, as you may recall, my main client contact then went overseas for an extended period until later next week. I'm hopeful to get comments back very shortly, but I'm asking in Plaintiffs will agree to wait until Monday 11/18 for our response.

Kind regards,
Patrick

Patrick Kennell

Partner

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From: shelly.friedland@parkerpohl.com <shelly.friedland@parkerpohl.com>

Sent: Wednesday, October 30, 2024 11:11 AM

To: Patrick Kennell <pkennell@kaufmandolowich.com>; Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>

Cc: lee@sfcclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan Corbett <jon@corbettrights.com>;

Jacob Chen <jchen@dgwillp.com>; Rita <rita@dgwillp.com>; Mark Garner <mark@dgwillp.com>; Eyal Dror

<edoror@triefandolk.com>

Subject: Re: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

[EXTERNAL SENDER]

Patrick and Kathleen,

Following up on our conversation below:

1. Please update us on the expected production of the contracts, which you'd expected to be able to send by the end of October – i.e., tomorrow.
2. Either December 3 or 10 works for us for a settlement conference.
3. On the topic of whether plaintiffs need to attend, our thought is to seek appointment as interim class counsel, which would address that issue. Please let me know if you would oppose such a motion.
4. On the topic of class cert issues, we propose that the parties' class cert briefing be adjourned, with opening briefing keyed to the date of the settlement conference, whenever that is. We think this approach makes more sense than setting specific dates that end up being moved repeatedly. (We can make this request/proposal to the judge in the same letter where we propose dates for the settlement conference.). Please let me know your thoughts on this approach.

Thanks,

Shelly

From: Patrick Kennell <pkennell@kaufmandolowich.com>

Date: Wednesday, October 16, 2024 at 9:18 AM

To: Eyal Dror <edoror@triefandolk.com>, Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>

Cc: lee@sfclasslaw.com <lee@sfclasslaw.com>, Fletcher Moore <fletcher@fmoorelaw.com>, Jonathan Corbett <jon@corbettrights.com>, Shelly Friedland <shelly.friedland@parkerpohl.com>, Jacob Chen <jchen@dgwllp.com>, Rita <rita@dgwllp.com>, Mark Garner <mark@dgwllp.com>

Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

Eyal –

Thanks for your patience, here are our responses to the questions and points you raised:

1. We agree that full discovery should be moving forward. We can agree to produce the vendor contracts before the end of October, and we are actively working on the ESI data. Once I have a better handle on that this week, I can better represent whether 11/15 or some other date is something we can commit to for a first production.
2. We agree to your proposal and timeline on private settlement discussions. Thank you for advancing this.
3. We propose December 3 or 10, 2024 for the settlement conference, with the pre-conference meeting with the Judge for one week earlier (either November 26 or December 3, 2024). If we can agree on dates by email, I don't think we'd need to schedule a call to confirm them – we can just send to the Judge straight away. I'm not sure whether the Court expects any of the named class plaintiffs or any proposed lead class reps to attend the settlement conference, but it's fine with us if they're not there, so long as counsel come with full authority to resolve the case obviously. I think this is something you might have to confirm with Judge Willis.
4. I will send the protective order to counsel for the WRE Defendants and see if they wish to join in it, and then we'll get it filed.

Kind regards,
Patrick

Patrick Kennell
Partner

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From: Eyal Dror <edror@triefandolk.com>

Sent: Tuesday, October 8, 2024 12:21 PM

To: Patrick Kennell <pkennell@kaufmandolowich.com>; Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>

Cc: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan Corbett <jon@corbettrights.com>; Shelly Friedland <shelly.friedland@parkerpohl.com>; Jacob Chen <jchen@dgwillp.com>; Rita <rita@dgwillp.com>; Mark Garner <mark@dgwillp.com>

Subject: RE: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

[EXTERNAL SENDER]

Patrick, Kathleen:

We write to address a number of outstanding issues in the wake of the Court's adjournment of our settlement conference. In particular:

1. We cannot agree to put discovery on hold until late November. We understand your clients were hoping to avoid significant discovery expenses if the parties could settle, but, given the present circumstances, we insist that your clients begin collection and production of documents on a rolling basis, with agreed-upon deadlines/benchmarks. We propose that your clients' produce the vendor contracts that you mentioned during our last call by the end of October and, thereafter, commence their broader production by no later than November 15. If you have a different proposal in mind, please advise so that we may consider it.
2. Concurrent with the above, the parties should commit to moving settlement discussions forward on our own. We will provide you with our demand by the end of this week and would ask that you respond within two weeks. We are prepared, in turn, to commit to respond to your proposal within that same time frame or earlier. That way, by the end of November, either we'll have an agreement, we will have made some progress towards a settlement, or we'll know that we're too far apart. Please advise if this is agreeable.
3. As you are aware, the Court directed the parties to meet and confer regarding potential dates for a pre-settlement conference and settlement conference. Please provide proposed dates ASAP, and we will respond in kind, so that we can hold a meet and confer call this week and transmit dates to the Court. Note that we do not believe that it is necessary – or that the Court expects – that named plaintiffs in a class action appear at the conference.
4. Finally, attached is the protective order with /s/ signatures on behalf of all Plaintiffs. If you wish to transmit this to the separate defendants in the RICO action to obtain their approval please do so, otherwise, you have our consent to have this filed.

We look forward to your response and continuing cooperation with respect to the above.

Regards,
Eyal

From: Patrick Kennell <pkennell@kaufmandolowich.com>

Sent: Sunday, September 29, 2024 4:31 PM

To: lee@sfclasslaw.com; Fletcher Moore <fletcher@fmoorelaw.com>; Jonathan Corbett <jon@corbettrights.com>; Eyal Dror <edror@triefandolk.com>; Shelly Friedland <shelly.friedland@parkerpohl.com>; Jacob Chen <jchen@dgwillp.com>; Rita <rita@dgwillp.com>

Cc: Kathleen Mullins <kathleen.mullins@kaufmandolowich.com>

Subject: REQUEST TO ADJOURN SETTLEMENT CONFERENCE / AVAILABLE DATES - 2023 EZoo Class Actions

Importance: High

Lee, Fletcher, Jon, Eyal, Shelly, Jacob, and Rita –

Due to a family medical issue that will have me in and out of town over the next several weeks, which I didn't know about when we spoke last week, I must make a letter application by tomorrow (Monday, September 30th) to Judge Willis to adjourn the date of our settlement conference in this case. Under paragraph 10 of Judge Willis's Standing Order for All Cases Referred for Settlement, **I write to first consult with all of you as to your and your clients' availability on November 21, 22, and 25, 2024** for the settlement conference. If those dates don't work, let us know if there are early December dates that would be better.

I recognize this isn't ideal, but it would also give you all more time to digest the sales and refund information we recently produced, which presumably might help you in coming to the required pre-conference settlement demand per paragraph 3 of Judge Willis's Standing Order.

Regards,
Patrick

Patrick Kennell
Partner

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